

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DOLORES ROSNER,

Plaintiff,

- against -

NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a AMTRAK,

Defendant.  
-----X

**ANSWER TO VERIFIED  
COMPLAINT**

08 CV 03159

Defendant National Railroad Passenger Corporation, d/b/a Amtrak ("Amtrak"), by its attorneys, Landman Corsi Ballaine & Ford P.C., hereby answers the Verified Complaint herein as follows:

1. Defendant Amtrak denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "First" of the Verified Complaint.
2. Defendant Amtrak denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "Second" of the Verified Complaint except admits that defendant is a railroad providing transportation for commuters with offices located at 60 Massachusetts Avenue NE, Washington, DC 20002.
3. Defendant Amtrak denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "Third" of the Verified Complaint.
4. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Fourth" of the Verified Complaint.
5. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Fifth" of the Verified Complaint.

6. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Sixth" of the Verified Complaint.

7. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Seventh" of the Verified Complaint.

8. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Eighth" of the Verified Complaint.

9. Defendant Amtrak denies the truth of each and every allegation contained in paragraph "Ninth" of the Verified Complaint.

**FIRST AFFIRMATIVE DEFENSE**

10. Any injuries suffered by plaintiff were caused solely by her own negligence and not by any negligence of the defendant.

**SECOND AFFIRMATIVE DEFENSE**

11. Any injuries suffered by plaintiff were caused, in part, by her own negligence, and any recovery by plaintiff must be diminished in proportion to that part of her injuries attributable to her own negligence.

**THIRD AFFIRMATIVE DEFENSE**

12. Any injuries suffered by plaintiff were not caused by a negligent act or omission of defendant or any individual acting under its direction or control.

**FOURTH AFFIRMATIVE DEFENSE**

13. If plaintiff has sustained any damages in this matter, which defendant Amtrak deny, then defendant's liability, if any, shall be limited in accordance with Article 16 of the New York Civil Practice Law and Rules.

**FIFTH AFFIRMATIVE DEFENSE**

14. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

**SIXTH AFFIRMATIVE DEFENSE**

15. Plaintiff fails to state a cause of action upon which relief may be granted.

**WHEREFORE**, defendant NATIONAL RAILROAD PASSENGER CORPORATION d/b/a AMTRAK demands judgment dismissing the Complaint herein, together with the costs and disbursements of this action.

Dated: New York, New York  
March 26, 2008

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By: 

Ronald E. Joseph (RJ9802)  
Attorneys for Defendant NATIONAL  
RAILROAD PASSENGER CORPORATION d/b/a  
AMTRAK  
120 Broadway, 27th Floor  
New York, New York 10271-0079  
(212) 238-4800

TO: MAVRIDES, MOYAL & ASSOCIATES, LLP.  
Douglas D. Moyal  
Attorneys for Plaintiff  
3000 Marcus Avenue, Suite 1W9  
Lake Success, NY 11042  
(516) 358-7200

**AFFIDAVIT OF SERVICE BY MAIL**


STATE OF NEW YORK     }  
COUNTY OF NEW YORK } ss.:

**Jelena Brigida**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at BROOKLYN, NEW YORK.

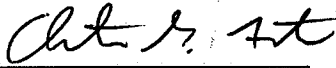
That on the 31st day of March, 2008, deponent served the within **ANSWER TO VERIFIED COMPLAINT** upon

Mavrides, Moyal & Associates, LLP  
Attorneys for Plaintiff  
3000 Marcus Avenue, Suite 1W9  
Lake Success, NY 11042  
(516) 358-7200

attorneys in this s action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

  
\_\_\_\_\_  
Jelena Brigida

Sworn to before me this  
31st day of March, 2008

  
\_\_\_\_\_  
Notary

**CHRISTOPHER FRETÉL**  
**NOTARY PUBLIC, State of New York**  
**No. 02FR6123499**  
**Qualified in New York County**  
**Commission Expires March 7, 2009**